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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

WHITNE RICKARD, a Minor Child, Individually, and as
Surviving Daughter of DONALD RICKARD, Deceased,
By and through her mother SAMANTHA RICKARD
As Parent and Next Friend

PLAINTIFF

v.

CASE NO. 05-2585 D V

CITY OF WEST MEMPHIS, ARKANSAS;
OFFICER VANCE PLUMHOFF, individually
and in his official capacity as an officer of the
West Memphis Police Department; OFFICER
TONY GALTELLI, individually and in his
official capacity as an officer of the West
Memphis Police Department; OFFICER JOHN
GARDNER, individually and in his official capacity
as an officer of the West Memphis Police Department;
OFFICER LANCE ELLIS, individually
and in his official capacity as an officer of the
West Memphis Police Department; OFFICER JIMMY
EVANS, individually and in his official capacity as an
officer of the West Memphis Police Department;
OFFICER JOSEPH FORTHMAN, individually
and in his official capacity as an officer of the
West Memphis Police Department; CHIEF ROBERT
PAUDERT, individually and in his official capacity
as Chief of the West Memphis Police Department

DEFENDANTS

JOINT PROPOSED SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held November 3, 2005.

Present were Gary Smith, counsel for Plaintiff, and Michael Mosley, counsel for Defendants.

At the conference, the following dates¹ were established as the final dates for:

¹ Defendants wish to stress that the following proposed dates are contingent on a ruling regarding their Motion to Stay.

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1. Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1):

RESPONSE: November 17, 2005

2. Joining parties:

RESPONSE: January 2, 2006

3. Amending pleadings:

RESPONSE: January 2, 2006

4. Initial Motions to Dismiss:

RESPONSE: February 1, 2006

5. Completing all Discovery:

RESPONSE: July 3, 2006

(a) Document production:

RESPONSE: July 3, 2006

(b) Depositions, Interrogatories and Requests for Admissions:

RESPONSE: July 3, 2006

(c) Expert witness disclosure (Rule 26):

(1) Disclosure of Plaintiff's Rule 26 expert information:

RESPONSE: May 4, 2006

(2) Disclosure of Defendants' Rule 26 expert information:

RESPONSE: June 5, 2006

(3) Expert witness depositions:

RESPONSE: July 3, 2006

6. Filing Dispositive Motions:

RESPONSE: August 2, 2006

7. Other relevant matters:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions or other filings that require a response must be filed by June 1, 2006, to enable counsel to respond by the time permitted by the Rules prior to the July 3, 2006, discovery cutoff date.

Motions to compel discovery are to be filed and served by the July 3, 2006, discovery deadline or within thirty (30) days of the default or the service of the response, answer or objection, which is the subject of the motion, if the default occurs within thirty (30) days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default response, answer or objection shall be waived.

This case is set for JURY TRIAL, and the trial is expected to last five (5) days. The pretrial order date, pretrial conference date and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed.R.Civ.P. 12, 56, 59 and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have consented to trial before the Magistrate Judge.

This order has been entered after consultation with trial counsel pursuant to notice.

Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

Diane K. Vesco
DIANE K. VESCOVO
U.S. MAGISTRATE JUDGE

November 3, 2005
DATE

APPROVED AS TO FORM:

Michael Mosley (by permission CPMC)
MICHAEL MOSLEY, Ark. Bar No. 2002099 #1728X

Attorney for Defendants

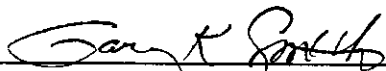
Post Office Box 38

North Little Rock, AR 72115

TELEPHONE: (501) 978-6131

FACSIMILE: (501) 978-6561

EMAIL: mmosley@arml.org

A handwritten signature in cursive script, appearing to read "Gary K. Smith", is written over a horizontal line.

GARY K. SMITH (#8124)

Attorney for Plaintiff

100 Peabody Place, Suite 1300

Memphis, Tennessee 38103

(901) 544-6399-Phone

(901) 544-6398-Facsimile

VAC/s/GKS

JAMES D. CAUSEY (#8247)

Attorney for Plaintiff

100 N. Main, Suite 2400

Memphis, Tennessee 38103

(901) 526-0206-Phone

(901) 525-1540-Fax

CERTIFICATE OF SERVICE

I, Michael Mosley, hereby certify that a true and correct copy of the above and foregoing has been served upon the attorney(s) of record on this 28 day of October, 2005, as referenced below:

Gary K. Smith
100 Peabody Place, Suite 1300
Memphis, TN 38103
TELEPHONE: (901) 544-6399
FACSIMILE: (901) 544-6398

James D. Causey
100 N. Main, Suite 2400
Memphis, TN 38103
TELEPHONE: (901) 526-0206
FACSIMILE: (901) 525-1540

Thomas (Ted) E. Hansom
HANSOM LAW OFFICE
659 Freeman Street
Memphis, TN 38122-3728
TELEPHONE (Office): (901) 327-4243
TELEPHONE (Cell): (901) 246-4243
FACSIMILE: (901) 324-5123
EMAIL: hansomt@bellsouth.net

The above instrument was served via:

- ☐ Personal service
- ☒ First class mail
- ☐ Certified mail, return receipt requested
- ☐ Facsimile
- ☐ Overnight mail

Michael Mosley / by permission
MICHAEL MOSLEY (ABN 2002099) *CPM C*
Attorney for Defendants *#1728X*
Post Office Box 38
North Little Rock, AR 72115
TELEPHONE: (501) 978-6131
FACSIMILE: (501) 978-6561
EMAIL: mmosley@arml.org



Notice of Distribution

This notice confirms a copy of the document docketed as number 16 in case 2:05-CV-02585 was distributed by fax, mail, or direct printing on November 7, 2005 to the parties listed.

Gary K. Smith
100 Peabody Place
Ste. 1300
Memphis, TN 38103

David C. Peebles
WEST MEMPHIS CITY ATTORNEY
P.O. Box 1728
West Memphis, AR 72303

Michael Mosley
ARKANSAS MUNICIPAL LEAGUE
P.O. Box 38
North Little Rock, AR 72115

Robert L. Beard
ARKANSAS MUNICIPAL LEAGUE
P.O. Box 38
North Little Rock, AR 72115

Thomas E. Hansom
659 Freeman Street
Memphis, TN 38122--372

Thomas E. Hansom
HANSOM LAW OFFICE
659 Freeman Street
Memphis, TN 38122--372

James D. Causey
100 North Main St.
Ste. 2400
Memphis, TN 38103

Mark R. Hayes
ARKANSAS MUNICIPAL LEAGUE
P.O. Box 38
North Little Rock, AR 72115

Honorable Bernice Donald
US DISTRICT COURT